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8	BEFORE THE	
9	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS	
10	STATE OF CALIFORNIA	
11		Case No. 2011- 718
12	In the Matter of the Accusation Against:	
13	LEON FRANCIS ROIBALLOVE 2231 Crescent Circle	ACCUSATION
14	Colton, CA 92324	
15	Registered Nurse License No. 464559	
16	Respondent.	
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19	Complainant alleges:	
20	PARTIES	
21	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her	
22	official capacity as the Executive Officer of the Board of Registered Nursing, Department of	
23	Consumer Affairs.	
24	2. On or about March 31, 1991, the Board of Registered Nursing issued Registered	
25	Nurse License Number 464559 to Leon Francis Roiballove (Respondent). The Registered Nurse	
26	License was in full force and effect at all times relevant to the charges brought herein and will	
27	expire on August 31, 2012, unless renewed.	
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JURISDICTION

- This Accusation is brought before the Board of Registered Nursing (Board), 3. Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
- Section 2750 of the Business and Professions Code ("Code") provides, in pertinent 4. part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.
- 6. Section 2811(b) of the Code provides, in pertinent part, that the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

7. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct...

COST RECOVERY

Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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(Unprofessional Conduct)

- 9. Respondent is subject to disciplinary action for unprofessional conduct under section 2761(a) of the Code. The circumstances are as follows:
- 10. Respondent was employed as a registered nurse in the Pediatrics Unit of Arrowhead Regional Medical Center in Colton, California. On or about June 18, 2009, E.W., a fifteen year old female, was admitted as a patient to Arrowhead Regional Medical Center. Respondent was assigned to E.W.'s care. During the course of her hospitalization, E.W. displayed aggressive and combative behavior towards the probation officers who were holding her in custody pending her release from the hospital and subsequently toward Respondent.
- 11. After hearing loud noises emanating from E.W.'s hospital room, Respondent entered her hospital room in order to evaluate E.W. Respondent discovered E.W. yelling, cursing, making threats to hurt herself and others and being otherwise uncontrollable. She had also removed the leg brace from her injured leg. Respondent asked her to "calm down" and to lower her voice. Respondent then put E.W.'s leg brace back onto her injured leg and left the room.
- 12. At approximately 12:25 a.m., Respondent entered the room for a second time in order to check on E.W. after again hearing loud noises and knowing that E.W. was combative and aggressive. Respondent asked E.W. if she needed anything and she cursed at him and told him that the police tried to kill her. She blamed her injuries and arrest on the police and Respondent asked her "are you sure it wasn't your bipolar personality?" E.W. then asked Respondent if he thought she was crazy and called Respondent "bipolar." Respondent responded by stating that "everyone is bipolar." Respondent then asked E.W. why she had removed her leg brace from her injured leg. E.W. cursed at him and told him to get away from her. He then attempted to put E.W.'s leg brace back onto her leg and E.W. threw a telephone at Respondent, hitting him in the center of his chest. Respondent then slapped E.W. with his right palm striking the left side of her cheek. In a written declaration dated September 7, 2010, Respondent admitted that he "came in contact with [E.W.'s] face."

PRAYER 1 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision: 3 Revoking or suspending Registered Nurse License Number 464559, issued to Leon 4 Francis Roiballove; 5 2. Ordering Leon Francis Roiballove to pay the Board of Registered Nursing the 6 reasonable costs of the investigation and enforcement of this case, pursuant to Business and 7 Professions Code section 125.3; 8 3. Taking such other and further action as deemed necessary and proper. 9 10 11 DATED: 12 Interim Executive Officer 13 Board of Registered Nursing Department of Consumer Affairs 14 State of California Complainant 15 16 SD2010703041 70393516.doc 17 18 19 20 21 22 23 24 25 26 27

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